



COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Creating Community Through People, Parks and Programs"



Tim Gallagher, Director

July 29, 2004

TO: Each Supervisor

FROM: Tim Gallagher *ls. myeda for*
Director

SUBJECT: **ISSUES INVOLVING SMOKING IN COUNTY PARKS, AND THE POTENTIAL FIRE HAZARDS ASSOCIATED WITH SMOKING IN PARKS**

On June 15, 2004, your Board instructed this Department to report back on the issues involving smoking in County parks, and the potential fire hazards associated with smoking in parks.

There are three primary issues associated with smoking in County parks: 1) the health consequences associated with smoking and second-hand smoke on children and adults using the facilities; 2) impacts on the environment; and 3) the potential hazard from accidental fire.

HEALTH CONSEQUENCES

Each day thousands of children and families visit the parks and facilities of the Los Angeles County Department of Parks and Recreation to use the play equipment, play team sports, or just to be outside with friends.¹

- When children see adults smoking in a family-friendly place it "normalizes" smoking, making children more likely to try cigarettes or other tobacco products.² The average starting age of an adult smoker is thirteen years old. When there is a perception that tobacco use is normal, acceptable adult behavior, it encourages adolescent tobacco use.³

Secondhand smoke created by smokers is harmful to both children and adults. Secondhand smoke contains over 4,000 chemicals - 2,000 are poisons and at least 43 are distinct cancer-causing chemicals, especially harmful to young children and children with asthma.^{4, 5}

- Smoking is the single most important source of preventable disease in California.⁶ Tobacco related disease places tremendous financial burden upon the health care delivery system.⁷

ENVIRONMENTAL IMPACT

Cigarette butts take one to five years to break down and are the most littered item in the world.⁹ In addition, wind and rain often carry cigarette butts into waterways and threaten the quality of the water. Additionally, cigarette filters have been found in fish, birds, and other animals who mistake them for food.¹⁰

POTENTIAL FIRE HAZARDS

Careless smoking and disposal of burning cigarette butts are potential causes of fire in open space and natural areas. Within park facilities, potential fire hazards with regards to smoking cannot be substantiated and in most cases fires are deliberately set (arson).

CURRENT RESTRICTIONS ON SMOKING IN COUNTY PARKS

Several existing laws already restrict smoking in County Parks either through County ordinance or State law. These restrictions and prohibitions include smoking within any building within a park. In addition, there are specific additional restrictions for play areas and areas susceptible to wildfires.

Play Areas¹¹

In 2001, Assembly Bill 188 was passed as California Health and Safety Code Section 104495 (CA HSC 104495), creating smoke-free playgrounds or tot lot sandbox areas.¹² During the same legislative session in 2002, Assembly Bill 1867 increased the fine amount and defined the prohibited boundaries.

CA HSC 104495 prohibits smoking within 25 feet of a playground or tot lot sandbox area located in public/private school grounds, or on city, county, or state parks. The law is non preemptive and local governments can enact stronger policy, which some jurisdictions have done (see Attachment A). Enforcement is unspecified. Violations are punishable as an infraction and subject to a \$250 fine per infraction. The law does not apply to private property or public sidewalks within 25 feet of a playground or a tot lot sandbox and any county or city may enforce any ordinance adopted prior to January 1, 2002, or may adopt and enforce new regulations that are more restrictive on and after January 1, 2002.

Fire Zones

There are currently 24 zones that are considered Very High Hazard Severity Zones and are highly vulnerable to wildfire. The designation of such zones has been made by the Board of Supervisors and is based on fuel loading, slope, fire weather and other relevant factors. In these areas, no person is allowed to operate or use any device, machine, or process such as a welding torch, tar pot, decorative torch, or any other device liable to start or cause fire in or upon any hazardous fire area, except by the authority of a written permit from the fire chief (Ord. 95-0063 § 71 (part), 1995.).

RECOMMENDATIONS

The County has not adopted specific ordinances for County parks that regulate smoking. However, a 2002 survey of 6,447 residents of Los Angeles County, conducted by the Department of Health Services, Tobacco Control and Prevention Program, states that 91 percent of respondents would support restriction of smoking in parks including 87 percent of current tobacco users and 96 percent of non-tobacco users.

Based on this information, the Department would recommend the following actions:

1. Continue partnering with the Department of Health Services, Tobacco Control and Prevention Program, and other prevention partners to continue education regarding health-related issues caused by "smoke or smoking", including second-hand smoke, through the Healthy Parks Program;
2. Amend County Ordinance 17.04.130 to define various categories of parks, including, but not limited to, Natural Area Parks, Golf Courses, Regional Parks, Community Regional Parks, Local Parks, Botanic Gardens, and Trails and establish the appropriate restrictions on smoking that should be applicable to each category, which may include total prohibition in facilities especially susceptible to fire and/or ecological damage.

If you have any questions, your staff may contact Margarita Ramos, Special Assistant, at (213) 738-2955.

TG:MM:ee(04/EO/SMOKINGRES)

Attachment

cc: David E. Janssen, Chief Administrative Officer
Violet Varona-Lukens, Executive Officer of the Board
Helen Parker, County Counsel
Park Deputies
Thomas L. Garthwaite, MD, Director of Health Services
Linda Aragon, Director of Tobacco Control and Prevention Program,
Health Services

The Cancer Council NSW, <http://www.nswcc.org.au/editorial.asp?pageid=1790>

2 same

3 Department of Health Services, Los Angeles County Tobacco Control and Prevention Program

4 American Lung Association, <http://www.lungusa.org/site/pp.asp?c=dvLUK9O0E&b=33484>

5 The Cancer Council NSW, <http://www.nswcc.org.au/editorial.asp?pageid=1790>

CA HSC 104350, <http://leginfo.ca.gov>

same

8 The Foundation for Smoke Free America, <http://www.anti-smoking.org/ala.htm>

9 The Cancer Council NSW, <http://www.nswcc.org.au/editorial.asp?pageid=1790>

same

Information gathered for this report comes from the following sources:

*Department of Health Services, Los Angeles County Tobacco Control and Prevention Program

*American Lung Association, <http://www.lungusa.org/site/pp.asp?c=dvLUK9O0E&b=33484>

*The Foundation for Smoke Free America, <http://www.anti-smoking.org/ala.htm>

*The California Smoke-Free Bars, Workplaces and Communities Program, http://www.breath-ala.org/html/out_samotsord.htm

*Los Angeles County Code, Title 17 and 32, <http://ordlink.com/codes/lacounty/index.htm>

12 CA HSC 104495, <http://leginfo.ca.gov>, "smoke or smoking" means the carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to tobacco, or any other weed or plant.

ATTACHMENT Aⁱ

The following cities in Los Angeles County have policies stronger than CA HSC 104495:

- Alhambra – Prohibits smoking within 100 feet of a tot lot playground or baseball field
- Baldwin Park - Has smoke-free policies for its parks
- Compton - Has smoke-free policies for its parks
- Covina - Has smoke-free policies for its parks
- Beverly Hills – Curb-to-curb, smoke-free parks
- La Puente - Has smoke-free policies for its parks
- Long Beach - Drake Park is smoke free
- Los Angeles – Tobacco-free zones include play areas, baseball diamonds, sport courts and areas, and permitted picnic areas
- Pasadena - Prohibits smoking in all parks and public golf courses
- Santa Monica – Curb-to-curb, smoke-free parks
- San Fernando – Curb-to-curb, smoke-free and tobacco or tobacco-related products parks
- West Hollywood - One pocket park is entirely smoke free

The following cities in other counties have policies stronger than CA HSC 104495:

- Huntington Park – Curb-to-curb, smoke-free parks
- Carson – Curb-to-curb, smoke-free parks
- Davis – within 20 feet of a children's play area or public garden
- Palo Alto – within 20 feet of bleachers, backstops, or play structures
- San Bernardino – Prohibits smoking at any public sports and recreation facility, pool, sandbox, "tot lot", course, track, field, skate facility, or sports arena or stadium
- San Ramon – Prohibits smoking no less than 50 feet surrounding, "tot lots" where playground equipment has been installed for public use by children

The following are other states and California cities with policies regulating but not necessarily prohibiting, smoking in parks and public outdoor areas:

Cities in New Jersey, New York, Massachusetts, Hawaii and Texas have policies regulating smoking in public outdoor areas such as parks, beach fronts, zoos and nature preserves, etc.

- California cities of Seal Beach, Solano Beach, Santa Barbara, Santa Cruz, San Francisco, Winters, and Norco have policies regulating smoking in public outdoor areas in parks and/or beaches

Information gathered for this Attachment comes from the following sources:

*Department of Health Services, Los Angeles County Tobacco Control and Prevention Program

*American Lung Association, <http://www.lungusa.org/site/pp.asp?c=dvLUK9O0E&b=33484>

*The Foundation for Smoke Free America, <http://www.anti-smoking.org/ala.htm>

*The California Smoke-Free Bars, Workplaces and Communities Program, http://www.breath-ala.org/html/out_samotsord.htm

*Los Angeles County Code, Title 17 and 32, <http://ordlink.com/codes/lacounty/index.htm>